

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 1 is amended. Claims 1-16 are pending.

I. Claim Objection

In the Office Action, at page 2, numbered paragraph 2, claim 1 was objected to for informalities. Claim 1 was amended in light of the Examiner's comments, and accordingly, withdrawal of the claim objection is respectfully requested.

II. Rejection under 35 U.S.C. § 102

In the Office Action, at page 2, numbered paragraph 3, claims 1, 4-6 and 13-16 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,170,060 to Mott et al. This rejection is respectfully traversed because Mott does not discuss or suggest:

temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed;

accessing a server supplying a predetermined virtual CD image file through the user computer;

allowing the user to download the virtual CD image file supplied from the server into the user computer; [and]

comparing the identification temporarily stored within the virtual CD program with the identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,

as recited in independent claim 1.

In addition, Mott does not discuss or suggest:

requiring a virtual CD accessible state tied to the virtual CD and the virtual CD device at a downloading time of the virtual CD, and allowing access to the virtual CD according to the accessible state,

as recited in independent claims 13 and 15.

Further, Mott does not discuss or suggest:

storing an identification corresponding to the virtual medium device in a downloading authorized virtual medium image file; and

allowing the authorized virtual medium image file to be only driven in the virtual medium device having the identification during the downloading of the virtual medium image file,

as recited in independent claim 16.

As a non-limiting example, the present invention of claim 1, for example, is directed to a method of preventing an unauthorized use of a virtual CD image file utilizing a virtual CD program through which the virtual CD image file stored in a computer is read in a reproducible state. The method includes temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed, accessing a server supplying a predetermined virtual CD image file through the user computer, and allowing the user to download the virtual CD image file supplied from the server into the user computer. The method further includes storing the identification temporarily stored within the virtual CD program in the downloaded virtual CD image file, comparing the identification temporarily stored within the virtual CD program with the identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced, and interrupting reading the selected downloaded virtual CD image file through the virtual CD program if the two identifications do not match.

Mott discusses a method and apparatus for targeting a digital information playback device. In Mott, a device or group ID is embedded in the playback device and also embedded in a digital information file. Upon receiving the digital information file, the device or group ID of the playback device is compared to that which is contained in the digital information file and the file is played if the device or group ID of the digital information file matches that of the playback device.

Mott does not discuss or suggest that an identification of a user computer is temporarily stored within a virtual CD program when the virtual CD program is executed. First, Mott does not discuss a virtual CD program and a virtual CD image file. Mott does not discuss that the identification of a user computer is ever stored within a CD program when the program is executed. Mott includes no discussion of storing an identification temporarily within a program, nor does Mott discuss or suggest that the identification of the user computer is stored when the program is executed. Mott does not suggest that the identification of a user computer is temporarily stored within a virtual CD program and a virtual CD image file, but discusses only that software players 226 of the client computer system are assigned unique players and group IDs and that a mobile playback device 212 includes a player ID 223 and group IDs 225 used for authenticating digital information and software files received from a server 260 via the client computer system 214. Mott is completely silent as to an identification of a user computer being temporarily stored within a virtual CD program when the program is executed.

Further, Mott does not discuss or suggest that a server supplying a predetermined virtual CD image file through a user computer is accessed and the user is allowed to download the virtual CD image file supplied from the server into the user computer. Mott discusses that the server 260, client computer system 214 and mobile playback devices 212 each have a unique verification sequence which is used to verify the authenticity of another system and that in communications between the server 260 and client system 214, both systems alternatively act to request verification of the other system and provide an authenticating response to a verification request. In Mott, if the appropriate response data from the respondent is received by the requesting system, the system being verified is considered as an authorized system. The client computer system 214 and the mobile device use the authentication protocol to verify that an authorized mobile playback device 212 is communicating with an authorized client computer system 214. Mott requires authentication between devices, but does not suggest that either the mobile playback device 212 or the client computer system 214 to which the mobile playback device 212 communicates access the server 260 that supplied a predetermined virtual CD image file through the client computer system 214 and the user is allowed to download the virtual CD image file supplied from the server into the client computer system 214.

In addition, Mott discusses authenticating player or group IDs between the client computer system 214 and the mobile device, that the mobile playback device 212 transmits its memory map to the client computer system 214, and that the user selects which files 220 of the client computer system 214 should be downloaded into the mobile playback device 212 memory. Mott does not, however, suggest that identification that is temporarily stored within a virtual CD program is then compared with the identification stored in the virtual CD image file when a downloaded virtual CD image file is selected to be reproduced. Mott does not include any discussion of comparing an identification of a user computer stored in a virtual CD program with the identification stored in the virtual CD image file when the virtual CD image file is selected to be reproduced.

As to claims 13 and 15, Mott does not discuss or suggest requiring a virtual CD accessible state tied to a virtual CD and virtual CD device at a time of downloading of the virtual CD and allowing access to the virtual CD according to the accessible state. Mott is silent as to a virtual CD and discusses only that the systems request verification of the other system. Mott does not suggest that a virtual CD accessible state which is tied to both a virtual CD and a virtual CD device at the time of downloading of the virtual CD is required, nor does Mott discuss allowing access to the virtual CD according to the accessible state. Merely requesting

verification of the other system and providing an authenticating response to the verification request is not allowing access to a virtual CD according to a virtual CD accessible state.

As to claim 16, Mott does not discuss or suggest that an identification corresponding to a virtual medium device is stored in a downloading authorized virtual medium image file. Further, Mott does not suggest that the authorized virtual medium image file is allowed to be driven only in the virtual medium device having the identification during the downloading of the virtual medium image. Again, Mott discusses only using the player identifier and a point-to-point authentication protocol to verify that an authorized mobile playback device 212 is communicating with an authorized client computer system 214. However, Mott does not discuss that such a player identifier is stored in a downloading authorized virtual medium image file and does not discuss or suggest that the image file is driven only in the device that has the identification during the downloading of the virtual medium image file.

Therefore, as Mott does not discuss or suggest "temporarily storing an identification of a user computer within the virtual CD program when the virtual CD program is executed; accessing a server supplying a predetermined virtual CD image file through the user computer; allowing the user to download the virtual CD image file supplied from the server into the user computer; [and] comparing the identification temporarily stored within the virtual CD program with the identification stored in the virtual CD image file when the downloaded virtual CD image file is selected to be reproduced," as recited in independent claim 1, Mott does not discuss or suggest "requiring a virtual CD accessible state tied to the virtual CD and the virtual CD device at a downloading time of the virtual CD, and allowing access to the virtual CD according to the accessible state," as recited in independent claims 13 and 15, and Mott does not discuss or suggest "storing an identification corresponding to the virtual medium device in a downloading authorized virtual medium image file; and allowing the authorized virtual medium image file to be only driven in the virtual medium device having the identification during the downloading of the virtual medium image file," as recited in independent claim 16, claims 1, 13, 15 and 16 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 4-6 and 14 depend either directly or indirectly from independent claims 1 and 13 and includes all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 2 recites "receiving a CD key transmitted from the server, the CD key being required for using the downloaded virtual CD image file." Therefore, claims 4-6 and 14 patentably distinguish over the

reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

III. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 4-6, paragraphs 4-8, claims 2, 3 and 7-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Mott in view of U.S. Patent Pub. No. 2003/0018895 to Morrison, U.S. Patent No. 7,035,827 to Ezaki, and U.S. Patent No. 7,146,508 to Hirano et al. This rejection is respectfully traversed.

As discussed above with respect to independent claim 1, Mott does not discuss or suggest all the features of claim 1. Morrison, Ezaki and Hirano fail to make up for the deficiencies in Mott. Claims 2 and 3 depend from independent claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that “the user downloads the virtual CD image file by driving a file transfer protocol (FTP) module within the virtual CD program.” Therefore, claims 2 and 3 patentably distinguish over the references relied upon for at least the reasons discussed above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

As to claim 7, in a similar argument to that which was discussed above, Mott does not discuss or suggest “storing an identification of a user computer in a predetermined register within the user computer as designated by the virtual CD program when the virtual CD program is installed; accessing a server supplying a predetermined virtual CD image file through the user computer; allowing the user to download the virtual CD image file supplied from the sever into the user computer; [and] comparing the identification stored in the registry of the user computer with the identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,” as recited in independent claim 7. Hirano fails to make up for the deficiencies in Mott. Specifically, Hirano does not discuss or suggest that an identification of a user computer is stored in a predetermined register when a virtual CD program is installed, nor does Hirano discuss or suggest that a server supplying a virtual CD image file is accessed, the user is allowed to download the virtual CD image file, the identification is stored in the downloaded virtual CD image file, and the identification stored in the registry of the user computer is compared with the identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced. Further, neither Mott nor Hirano discuss or suggest interrupting reading the selected downloaded virtual CD image file if the two identifications do not match. Mott discusses only that if the player IDs or

group IDs match the mobile playback device 212 player ID or group IDs, then the mobile playback device 212 will proceed to play the digital information file. Mott does not suggest that the reading of a downloaded virtual CD image file is interrupted if two identifications do not match.

Therefore, as the combination of Mott and Hirano does not suggest “storing an identification of a user computer in a predetermined register...when the virtual CD program is installed; accessing a server supplying a predetermined virtual CD image file through the user computer; allowing the user to download the virtual CD image file supplied from the sever into the user computer; [and] comparing the identification stored in the registry of the user computer with the identification stored in the downloaded virtual CD image file when the downloaded virtual CD image file is selected to be reproduced,” as recited in independent claim 7, claim 7 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 8-12 depend either directly or indirectly from independent claim 7 and include all the features of claim 7, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 11 recites that “the allowing of the user to download the virtual CD image file comprises requesting the user to enter an authentication number to determine whether the user is authorized to use the virtual CD image file when downloading the virtual CD image file.” Therefore, claims 8-12 patentably distinguish over the references relied upon for at least the reasons discussed above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claim 1 has been amended. Claims 1-16 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

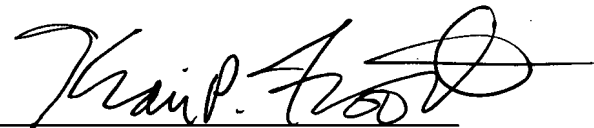
Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

4/3/07

By: _____



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